

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**CORTNEY SHORTER, INDIVIDUALLY  
AND AS NEXT FRIEND OF H.S. AND  
E.P., minors:**

**Plaintiff,**

**vs.**

**MAICOL LINARES-AQUIAN; AND  
WEST BOUND EXPRESS, INC.;**

### Defendants.



**CASE NO. 6:17-cv-00183**

## FINAL JUDGMENT

On this day, came on to be heard for trial the above-entitled and numbered cause, and came the Plaintiffs, **CORTNEY SHORTER, INDIVIDUALLY AND AS NEXT FRIEND OF H.S. AND E.P., MINORS** in person and by and through their attorney of record and came Defendant, **MAICOL LINARES-AQUIAN AND WEST BOUND EXPRESS, INC.**, by and through their attorneys of record, and it appearing to the Court that H.S. is a minor, under eighteen (18) years of age, and that E.P. is a minor, under eighteen (18) years of age, and the Court thereby appointed Derek Gilliland, a practicing attorney in McLennan County, Texas, as Guardian Ad Litem for H.S. and E.P.

Thereafter, the parties expressly waived a jury in Open Court and announced in Open Court that all matters in controversy both of law and of fact, have been in all things fully settled and compromised, and that they desired that Judgment be entered approving such Compromise Settlement Agreement and Release.

The Court having reviewed the pleadings, is of the opinion that there is a conflict of interest between Plaintiff and the minor children. Therefore, it was ordered that an attorney at law be and was hereby appointed guardian *ad litem* to represent said minors.

The duly appointed guardian *ad litem*, Derek Gilliland, having investigated the facts connected with this lawsuit and the nature of the injuries sustained by the minors and the terms of the proposed settlement, did, together with the Plaintiff, announce in open court that it was in their opinion that the offer of settlement was just, fair, reasonable, acceptable and in the best interest of the minors.

The Court finds that the guardian *ad litem*, Derek Gilliland, has acted in the best interest of the minor Plaintiffs and the actions of the guardian *ad litem* are ratified and approved.

The Court, nevertheless, called for and heard evidence touching upon the said Compromise Settlement Agreement and, after hearing evidence with reference to the material facts regarding the manner in which the injuries occurred, the nature and extent of all damages sustained by the minor Plaintiffs, and all matters pertaining to the alleged liability of the Defendants, finds that there is no conflict of interest between CORTNEY SHORTER, INDIVIDUALLY AND AS NEXT FRIEND OF H.S. AND E.P., MINORS and H.S., Minor, or E.P., Minor, and the Guardian Ad Litem appointed herein; that said Compromise Settlement Agreement and Release is in the best interest CORTNEY SHORTER, INDIVIDUALLY AND AS NEXT FRIEND OF H.S. AND E.P., MINORS and H.S., Minor, and E.P., Minor, and has been expressly approved by the Guardian Ad Litem; that said Compromise Settlement Agreement and Release is reasonable and in the best interest of CORTNEY SHORTER, INDIVIDUALLY AND AS NEXT FRIEND OF H.S. AND E.P., MINORS and H.S., Minor, and E.P., Minor; and that the Parties understand and agree that the said Compromise Settlement Agreement is a settlement of a disputed claim which the Defendants herein have expressly and specifically denied all liability to Plaintiffs.

It is further ORDERED, ADJUDGED, AND DECREED that the following payments be from the settlement breakdown concerning H.S. and E.P., Minors:

a. The sum of FOUR THOUSAND EIGHT HUNDRED AND TWENTY THREE DOLLARS AND SIXTY THREE CENTS (\$4,823.63) payable to Eberstein and Witherite for attorneys fees, expenses, and medical bills relating to H.S., Minor.

b. The sum of THREE THOUSAND ONE HUNDRED AND SEVENTY SIX DOLLARS AND THIRTY SEVEN CENTS (\$3,176.37), payable to the Registry of the Court on behalf of H.S., Minor.

c. The sum of EIGHT THOUSAND NINE HUNDRED AND TWENTY THREE DOLLARS AND SIXTY FOUR CENTS (\$8,923.64) payable to Eberstein and Witherite for attorneys fees, expenses, and medical bills relating to E.P., Minor.

d. The sum of SEVEN THOUSAND AND SEVENTY SIX DOLLARS AND THIRTY SIX CENTS (\$7,076.36), payable to the Registry of the Court on behalf of E.P., Minor.

IT IS FURTHER ORDERED of this Court that said sum apportioned in favor of the minor H.S. is to be invested by the Clerk of the United States District Court for the Western District of Texas at a competitive rate of interest in savings accounts, certificates of deposit or interest-bearing time deposits at institutions authorized by Section 142.004 of the Texas Property Code, until such time as the minor H.S. reaches the age of majority or such time as she is otherwise emancipated, at which time, it is ordered that the money so deposited be released by the Clerk of the United States District Court for the Western District of Texas to the named minor immediately following proof of identification. If said minor is deceased, then such funds are to be released to the representatives of her estate in accordance with this judgment. No further order of this Court shall be required for payment.

IT IS FURTHER ORDERED of this Court that said sum apportioned in favor of the minor E.P. is to be invested by the Clerk of the United States District Court for the Western District of Texas at a competitive rate of interest in savings accounts, certificates of deposit or interest-bearing

time deposits at institutions authorized by Section 142.004 of the Texas Property Code, until such time as the minor E.P. reaches the age of majority or such time as she is otherwise emancipated, at which time, it is ordered that the money so deposited be released by the Clerk of the United States District Court for the Western District of Texas to the named minor immediately following proof of identification. If said minor is deceased, then such funds are to be released to the representatives of her estate in accordance with this judgment. No further order of this Court shall be required for payment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Guardian *ad litem*, Derek Gilliland, be allowed a fee of NINE THOUSAND EIGHT HUNDRED AND TEN DOLLARS AND ZERO CENTS (\$9,810.00) to be paid directly to the *ad litem* by the Defendants. The guardian *ad litem*'s fee is not included in the total settlement amount. Upon the approval of the judgment by the Court, Derek Gilliland is discharged from his duties as Guardian Ad Litem.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all costs of court be and are hereby taxed against the party incurring same.

It further appearing to the Court that when all sums awarded in this Judgment, both to the Plaintiffs and the Guardian Ad Litem, have been paid and that all costs of Court have been paid by or on behalf of the parties, this Judgment is hereby declared to be fully satisfied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no execution shall ever issue on this Judgment with respect to Plaintiffs, CORTNEY SHORTER, INDIVIDUALLY AND AS NEXT FRIEND OF H.S. AND E.P., MINORS when Judgment is paid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all relief sought but not expressly granted herein is denied.

SIGNED this 9<sup>th</sup> day of July, 2019.

  
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JUDGE PRESIDING

APPROVED AS TO FORM & CONTENT BY:

BY: /s/ Shelly T. Greco

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**GUARDIAN AD LITEM  
FOR H.S. AND E.P., MINORS**